

REMARKS

Claims 1-25 and 54-57 are pending and stand rejected. The applicant has amended claims 56 and 57. Reconsideration and allowance of the pending claims is earnestly solicited.

I. Claim Rejections Under 35 U.S.C. § 103 (Schneider, Brosnan, and Wolfe)

The Office Action rejected claims 1-9, 13-15, and 18-22 under 35 U.S.C. § 103(a) as being unpatentable over US Pub. 2003/0078101 to Schneider et al., hereinafter "Schneider," in view of WO 01/99067 to Brosnan, hereinafter "Brosnan," further in view of US Pub. 2004/0002386 to Wolfe et al., hereinafter "Wolfe." The applicant respectfully points out that the Office Action on page 3 indicates that claims 16, 17, 23-25, and 54-57 are also rejected based on Schneider, Brosnan, and Wolfe. However, the Office Action does not otherwise address such claims under Schneider, Brosnan, and Wolfe, but instead later addresses such claims under a combination of Schneider, Brosnan, Wolfe, and Paulsen. As such, the applicant assumes that the mention of claims 16, 17, 23-25, and 54-57 on page 3 of the Office Action was in error. Clarification regarding which claims are being rejected based on Schneider, Brosnan, and Wolfe is respectfully requested. Regardless, withdrawal of the present rejection is earnestly solicited in light of the following.

A. Claims 1-5

Each of claims 1-5 is directed to a gaming system that comprises, among other things, a game selector “arranged to select the subset of the plurality of games based on the player’s past history of playing any of the plurality of games and a history of any of the plurality of games played by other players.” The applicant respectfully submits that the proposed combination of Schneider, Brosnan, and Wolfe fails to teach or otherwise render obvious such aspects of claims 1-5.

In regard to such aspects, the Office Action on page 4 admits that Schneider and Brosnan are “silent on providing player game preferences based on the other player’s preferences or another word rating of the game.” Instead, the Office Action relies upon Wolfe to provide a teaching of such aspects of claims 1-5. In particular, the Office Action on page 4 contends:

Wolfe teaches a casino information management system where a player’s playing history is stored for the purpose of providing players with the kind of preferences they want and further more player can actually see the rating of a playing table before they choose to play that particular table (para 0141-0146), rating a table for the game perspective is similar to rating a game, for example if a player like the game and how it paid out, they may rate the game as a good game.

The applicant respectfully disagrees with the above characterization of the Wolfe.

The applicant agrees that Wolfe teaches a casino information management system, but that is the only aspect of the above characterization of Wolfe that appears to be correct. In the Background section, Wolfe explains that casinos collect extensive information regarding their players. Wolfe further explains various prior systems used by casinos in an attempt to collect such information. In particular, Wolfe describes customer loyalty programs and player cards associated with such programs. See, paragraphs [0004]-[0006]. Wolfe also describes that casino personnel may access such collected information from computer terminals in fixed locations. See, paragraphs [0008-0009]. Wolfe also explains while player cards are good at collecting information about a player's gambling activities at gaming machines, player cards are ineffective at collecting a player's gambling activities at a gaming table. Accordingly, a common practice is for casino personnel to observe a player's gambling activities at a gaming table and then rate the player's performance at the table game on a piece of paper. This rating is known in the casino industry as a "table rating." The table rating is then given to a pit clerk to manually enter the table rating into the casino's computer system at a remote employee computer terminal. See, paragraph [0010].

Wolfe in paragraph [0010] clearly indicates that a "table rating" is not a rating given to a table game by a player of the table game as the Office Action contends, but instead, is a rating that casino personnel gives to a player based upon the player's

performance at the table game. Casino personnel then use such collected "table ratings" for a player to determine whether the player qualifies for a "comp." In paragraph [0010], Wolfe explains the cumbersome and time consuming conventional process of collecting such "table ratings" of players. Wolfe then proceeds to explain in paragraphs [0146-0150] how casino personnel may now use handheld device 12 to quickly enter a new table rating for a player and/or view a table rating for a player. Paragraphs [0010], [00146-0150] and Figs. 38 and 39 clearly indicate that the table rating is a rating of the player's performance at a table game and that the table game rating is given to the player by casino personnel. Wolfe clearly indicates that the table game rating is not a rating given by the player to a table game.

In light of the above, Wolfe is "silent on providing player game preferences based on the other player's preferences or another word rating of the game." Accordingly, the proposed combination of Schneider, Brosnan, and Wolfe fails to arrive at claims 1-5. Withdrawal of the present rejection is therefore earnestly solicited.

B. Claims 6-9

Each of claims 6-9 recites "wherein the subset of the plurality of games for display by the game selector and their order of representation is selected by a recommendation engine." The applicant respectfully submits that the proposed

combination of Schneider, Brosnan, and Wolfe does not teach or otherwise render obvious such aspect of claims 6-9.

In regard to such aspects, the Office Action contends that Schneider teaches that “games are tailored or provided upon collecting player’s game history data by a recommendation engine in the system (para 0038).” The applicant disagrees with this assessment of Schneider. The applicant appreciates that Schneider at paragraphs [0038]-[0042] teaches a game tailoring system that can modify the gaming experience to customize it for that player. However, the applicant respectfully points out that while Schneider teaches tailoring a gaming experience for a player, Schneider never mentions that such tailoring includes recommending games to the player. As such, Schneider does not teach a recommendation engine, let alone, a recommendation engine that selects the order of a plurality of games for display by a game selector.

Instead of game recommendations, Schneider appears to only teach tailoring the game experience through reward features (paragraph [0039], [0042]-[0044]) and promotions (paragraph [0040]-[0041]). Thus, Schneider appears to contemplate a system in which the player selects a game and the game tailoring system tailors reward features and promotions for the selected game based upon information collected about the player. However, as mentioned above, the applicant has been unable to locate any mention in Schneider of the game tailoring system recommending games to the player.

Since the Office Action relies upon Schneider for a teaching of a recommendation engine and Schneider does not teach such a recommendation engine, the proposed combination of Schneider, Brosnan, and Wolfe fails to arrive at claims 6-9. Withdrawal of the present rejection is therefore earnestly solicited.

C. Claims 13-15

Each of claims 13-15 is directed to a gaming machine that comprises, among other things, a game selector “arranged to select the subset of the plurality of games based on the player’s past history of playing any of the plurality of games and a history of any of the plurality of games played by other players.” The applicant respectfully submits that the reasons presented above in regard to claims 1-5 are generally applicable to the patentability of claims 13-15. In light of one or more of such reasons, withdrawal of the present rejection of claims 13-15 is earnestly solicited.

D. Claims 18-20

Each of claims 18-20 is directed to a gaming machine that comprises, among other things, a game selector “arranged to select the subset of the plurality of games based on the player’s past history of playing any of the plurality of games and a history of any of the plurality of games played by other players.” The applicant respectfully submits that the reasons presented above in regard to claims 1-5 are generally

applicable to the patentability of claims 18-20. In light of one or more of such reasons, withdrawal of the present rejection of claims 18-20 is earnestly solicited.

E. Claims 21 and 22

Each of claims 21 and 22 include claim 18 as a base claim. As such, each of claims 21 and 22 is allowable for at least reasons similar to those mentioned above in regard to claim 18. Moreover, each of claims 21 and 22 recites “wherein the subset of the plurality of games for display is selected by a recommendation engine and the recommendation engine is located in the gaming machine.” Again, the Office Action relies upon Schneider for a teaching of such “recommendation engine” aspects. As such, the reasons presented above in regard to claims 6-9 are generally applicable to the patentability of claims 21 and 22. For at least one or more of the above reasons, withdrawal of the present rejection of claims 21 and 22 is earnestly solicited.

II. Claim Rejections Under 35 U.S.C. § 103 (Schneider, Brosnan, Wolfe, and Paulsen)

The Office Action rejected claims 10-12, 16-17, 23-25, and 54-57 under 35 U.S.C. § 103(a) as being unpatentable over Schneider in view of Brosnan, in view of Wolfe, further in view of US Pub. 2002/0142846 to Paulsen, hereinafter “Paulsen.” Claims 56 and 57 have been amended. Withdrawal of the present rejection in light of the following is earnestly solicited.

A. Claims 10-12

Each of claims 10-12 includes claim 9 as a base claim. As such, each of claims 10-12 is allowable for at least reasons similar to those presented above in regard to claim 9. Moreover, each of claims 10-12 includes the aspect of determining “popular games.” In regard to such aspects, the Office Action contends:

Paulsen (para 0011-0017), wherein Paulsen discloses various aspects of the invention including customizing games and providing popular or preferred games to the players based on the previously collected players data and selections of the games among various groups of games.

The applicant disagrees with such assessment of Paulsen.

Paulsen teaches a gaming machine that may be customized according to one or more player preferences. A player may view and modify player preferences stored in a player preference account as preference account information. The preference account information may include among other things preferred games. Using a preference account interface which may be compatible with a web-browser, a player may be able to view and modify preference account information stored on the preference account server from a number of remote devices such as a gaming machine, a home computer, a hotel room view interface and a casino kiosk. See, paragraph [0010].

Paulsen in paragraph [0043] provides further information regarding the “preferred games” aspect of the preferences account information. In particular, Paulsen states:

[A] player may be [able] to select a preferred game that the player likes to play on the gaming machine. This feature is only available on gaming machines offering multiple game choices. For instance, using the game button 55, a player may select from a number of different games 73 such as video slots, video poker and video keno. Other games which may be available as a player preference selection include but are not limited to video blackjack games, video pachinko games, video card games, video keno games and video games of chance.

Thus, Paulsen discloses a system in which a player may store, modify, and view various preference account information. Such preference information may include games that the player prefers to play on gaming machines which offer multiple game choices. Paulsen further teaches that the gaming machine may be customized based upon a player’s preference account information. For example, a gaming machine which offers multiple game choices may default to or automatically select a preferred game specified by the player in the players preference account information.

However, despite the Office Actions contentions to the contrary, the applicant has been unable to locate any teaching in Paulsen wherein player data is processed to determine the popular games of a plurality of games. The applicant respectfully points

out that the mere indication in a player's preference account information that the player prefers to play game X on game machine Y and automatically selecting game X when the player is playing game machine Y is not the same thing as processing player data to determine popular games of a plurality of games. Firstly, Paulsen makes no determination of a games popularity, but merely acts on player provided preferences. Secondly, the indication that a player prefers to play game X on machine Y is not the same as determining that game X is a popular game. Just because a player prefers a game on a particular machine does not necessitate that such game is even popular with such player let alone with particular individuals. For example, the player may seldom play that game machine.

Since the Office Action relies upon Paulsen for a teaching of such aspect and Paulsen in fact does not teach such aspects, the proposed combination of Schneider, Brosnan, Wolfe, and Paulsen does not arrive at claims 10-12. Accordingly, withdrawal of the present rejection of claim 10 is earnestly solicited.

B. Claim 16

Claim 16 includes claim 13 as a base claim. As such, claim 16 is allowable for at least reasons similar to those presented above in regard to claim 13. Claim 16 further recites "wherein the subset of the plurality of games for display and their order of representation is selected by a recommendation engine located on a server connected to

the communications system.” As such, the applicant respectfully submits that the reasons present above in regard to claims 6-9 are generally applicable to the patentability of claim 16. For at least one or more of the above reasons, withdrawal of the present rejection of claim 16 is respectfully solicited.

C. Claim 17

Claim 17 includes claim 13 as a base claim. As such, claim 17 is allowable for at least reasons similar to those presented above in regard to claim 13. Claim 17 further recites “wherein for each game of the plurality of games in the system, the player’s past history of playing any of the plurality of games and a history of any of the plurality of games played by the other players results in a list of other games of the plurality of games that would be of similar enjoyment value to the player.” As explained above in regard to claims 10-12, Paulsen merely describes a system in which a player may specify that game X is preferred on machine Y. Such an indication is not an assessment of popular or enjoyment value. As such, Paulsen alone or in combination with Schneider, Brosnan, and Wolfe does not teach generating “a list of other games of the plurality of games that would be of similar enjoyment value to the player.” Accordingly, the proposed combination of Schneider, Brosnan, Wolfe, and Paulsen fails to arrive at the invention of claim 17. Withdrawal of the present rejection of claim 17 is therefore earnestly solicited.

D. Claims 23 and 24

Each of claims 23 and 24 includes claim 21 as a base claim. As such, each of claims 23 and 24 is allowable for at least reasons similar to those presented above in regard to claim 21. Moreover, each of claims 23 and 24 includes the aspect of determining popular games. Accordingly, the reasons presented above in regard to claims 10-12 are generally applicable to claims 23 and 24. For at least one or more of the above reasons, withdrawal of the present rejection of claims 23 and 24 is earnestly solicited.

E. Claim 25

Claim 25 includes claim 23 as a base claim. As such, claim 25 is allowable for at least reasons similar to those presented above in regard to claim 23. Moreover, claim 25 further recites "wherein for each game of the plurality of games on the machine, the processed data results in a list of games of the plurality of games that would be of similar enjoyment value to the player and the list is used to select the subset of the plurality of games." As such, the reasons presented above in regard to claim 17 are generally applicable to the patentability of claim 25. For at least one or more of the above reasons, withdrawal of the present rejection of claim 25 is respectfully solicited.

F. Claims 54, 55, and 57

Each of claims 54, 55, and 57 includes claim 1 as a base claim. As such, each of claims 54, 55, and 57 is allowable for at least reasons similar to those presented above in regard to claim 1.

G. Claim 56

Claim 56 includes claim 1 as a base claim. As such, claim 56 is allowable for at least reasons similar to those presented above in regard to claim 1. Moreover, claim 56 further recites “wherein the subset of the plurality of games is determined dependent on age of the game information relating to each of the plurality of games.” In regard to such aspects, the Office Action states “Schneider discloses certain demographics such as a players age as a determination factor (para 0046).” The applicant has amended claim 56 to further clarify that the age information is related to the age of the game not the age of the player. Some players prefer to play “new” games. Other players prefer to play “older” or “classic” games. The age of the game information of claim 56 addresses this preference of certain players. Since Schneider does not address the age of the game but merely the age of the player, the proposed combination of Schneider, Brosnan, Wolfe, and Paulsen fails to arrive at the invention of claim 56. Accordingly, withdrawal of the present rejection of claim 56 is earnestly solicited.

III. Final Matters

As a final matter, the Office Action makes a number of statements regarding the pending claims; the Schneider, Brosnan, Wolfe, and Paulsen references; 35 U.S.C. § 103; the state of the art; and one of skill in the art that are moot in light of the previous amendments and/or remarks. Thus, the applicant has not addressed all of such statements at this time. The applicant neither agrees nor disagrees with such statements and explicitly reserves the right to challenge such statements in the future should the need arise.

SUMMARY

In summary, the applicant believes that the pending claims are in condition for allowance and courteously solicits a Notice of Allowability with respect to all pending claims. If the examiner disagrees or has questions regarding this submission, the applicant requests an Examiner Interview. The examiner may contact the undersigned at 312-238-8600.

The Commissioner is hereby authorized to charge additional fees or credit overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

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Respectfully submitted,

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